

Appl. No. 10/612,104
Atty. Docket No. 7490MC
Amdt. dated February 10, 2005
Reply to Office Action of February 1, 2005
Customer No. 27752

REMARKS

Claims 1-10 are pending in the present application. No claims fee is due.

The Specification has been amended to delete the figures on pages 32-35 and formal drawings are submitted herewith in replacement thereof. A description of the formal drawings, described as Figures 1-12, is added at the bottom of page 5.

Claims 9 and 10 have been amended to particularly point out and distinctly claim the subject matter of the present invention.

Sequence Listing under 37 CFR §§1.821-1.825

Applicants are submitting with this amendment both a per copy and a CRF copy of a sequence listing which includes the two tetra-peptide sequences disclosed in the present application. In addition, the statement required under 37 CFR §1.821(f) is submitted herewith.

Formal Drawings under 37 CFR §1.81

Applicants are submitting with this amendment copies of formal drawings listed as Figures 1-12 and described in the amendments to the Specification herein above.

Obviousness-Type Double Patenting

The Examiner has provisionally rejected the present Application under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claim 10 of U.S. 6,613,874. Applicants are submitting herewith a Terminal Disclaimer under CFR § 3.73(b) over U.S. 6,613,874.

Rejection under 35 USC §112

The Examiner has rejected Claims 9 and 10 under 35 USC §112, first paragraph, as containing subject matter which was not described in the specification in such a sway as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

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The submission herewith of Formal Drawings and the accompanying description of said Formal Drawings now in the specification obviates the Examiner's rejection of Claims 9 and 10 under 35 USC §112, first paragraph.

The Examiner has rejected Claims 9 and 10 under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and to distinctly claim the subject matter of the present invention. The amendments herein to Claims 9 and 10 obviate the Examiner's rejection.

Reconsideration and withdrawal of the rejection to Claims under 35 USC § 112 is therefore respectfully requested.

CONCLUSION

Applicants have made an earnest effort to place the present claims in condition for allowance. WHEREFORE, entry of the amendments provided herewith, reconsideration of the claims as amended in light of the Remarks provided, withdrawal of the claims rejections, and allowance of Claims 1-10, as amended, are respectfully requested. In the event that issues remain prior to allowance of the noted claims, then the Examiner is invited to call Applicants' undersigned agent to discuss any remaining issues.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

By 

Signature

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AMENDMENTS TO THE DRAWINGS

Attached herein are drawings 1-6 which correspond to Figures 1-12.